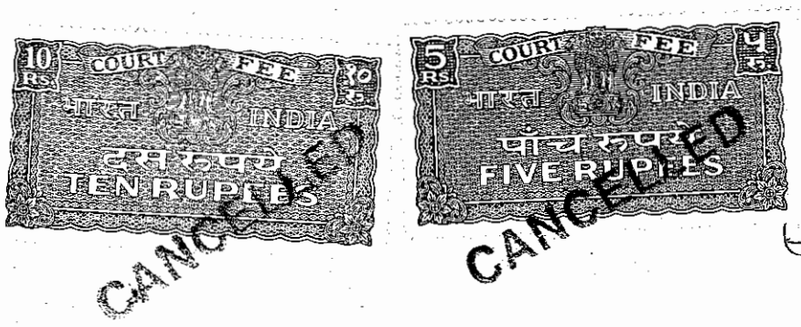

IN THE HIGH COURT OF JUDICATURE AT BILASPUR

CHHATTISGARH

Single Bench

CIVIL REVSION No. 103 **/2005**

APPLICANT : Dasharath Prasad S/o Hulas aged about 60 Years R/o Durga Mandir, Labour colony, Khursipar, Bhilai, Tah. and Distt. Durg (C.G.).

VERSUS

NON-APPLICANT : Kumar Satnami R/o Modern Town in front of Mandir Cement Shop District- Durg (C.G.)

P.R. No. 2173/05
Presented by Sh. Srikant Verma
dated 12.8.05

CIVIL REVISION UNDER SECTION 384 (3) OF INDIAN SUCCESSION ACT READ WITH SECTION 115 OF CIVIL PROCEDURE CODE

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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मामला क्रमांक ....C.R.No.103/05..... **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

16-09-2005

Shri R.S. Shrivastava, Counsel for the applicant.

Heard on admission.

This Civil Revision is directed against the order dated 27-07-2005 passed by the Additional District Judge, Durg in Misc. Civil Appeal No. 17/2004 which arose out of Succession Case No. 79/2001 passed by the IIIrd Civil Judge Class-I, Durg vide order dated 13-05-2003.

Brief facts are that one Keja Bai expired on 22-07-2001. She had Account No. 3040 in Khursipar, Bhilai with a deposit of Rs. 20,979.05 and another deposit vide Samruddhi Deposit Receipt No. 1985626 for Rs. 20,135/- in Dena Bank, Khursipar, Bhilai. The applicant made an application under section-372 of the Indian Succession Act. for receiving the amounts in the account for issuance of succession certificate towards the abovementioned amount. The applicant contended that Keja Bai was his wife.

Learned counsel for the applicant has mainly contended that the Courts below have erred in granting succession certificate for the amounts mentioned above

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक C.R.-N.-103/05 **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश — 2 —	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

in favour of the non-applicant Kumar Satnami who had no relationship with the deceased Keja Bai.

I have perused the record and also the statement of Dashrath Prasad made before the lower Court. There is clear-cut admission by the applicant Dashrath Prasad in para-4 that his married wife was still alive and he had children from his legally married wife. Although, he had stated that Keja Bai was his wife by Churi system of marriage, yet there was no specific pleading to this effect. The applicant has in his testimony before the lower Court nowhere refuted the claim of non-applicant Kumar Satnami. I have also gone through the testimony of Kumar Satnami. The name of non-applicant Kumar Satnami also finds place in the Samruddhi Deposit Receipt as a joint depositor.

Learned counsel for the applicant, though, has not been able to make out the case in favour of Dashrath Prasad yet he has made an abortive effort to argue that the issuance of succession certificate in favour of the non-applicant Kumar Satnami was not in accordance with the law.

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... CR. 103/05 ..... **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -3-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	In view of the concurrent finding recorded by both the Courts below, the admission made by the applicant before the lower Court and also the facts mentioned above, this Revision is devoid of substance. Accordingly, this Revision is dismissed at motion stage. Sd/- Dilip Raosaheb Deshmukh Judge	